

CITY COUNCIL MINUTES
November 10, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, November 10, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

These minutes do not represent a verbatim transcript. Audio recordings of this meeting are on file in the City Clerk's Office.

President Friend: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Adams, O'Daniel, Weaver, Friend

Absent: Lindsey

President Friend: With eight (8) present and one (1) absent, I hereby declare this session of the Common Council officially open. By the way, Councilman Lindsey has got, I guess, some personal, I mean some family matters to contend with. So anyway, he contacted me this evening.

PLEDGE OF ALLEGIANCE

Yes, I like to Pledge of Allegiance. How about Councilman Weaver?

President Friend: Fellow Councilman and those in the audience, welcome to this November 10, 2014 meeting of the Common Council. Appreciate you all could come out this evening.

RECOGNITION OF SCHOOLS

We have a Recognition of Schools. Any students in the audience that would like to be recognized?

Chief of Staff Schaefer: *(Off Mic)* Mr. President, I'm not a student but I think you have a couple of folks that want to join you to shadow you that were thinking you were thinking you would take a break.

President Friend: Well they...Steve, they're most welcome to come up here. Let's get a seat for these...

Unidentified Speaker: Right there on the end if you'd like.

Councilman McGinn: There's Dr. Adams and there's your chair.

President Friend: Yes, I guess is Recognition of Schools. Teen Advisory Committee. Would you like to...?

Councilman O'Daniel: Introduce themselves.

President Friend: Introduce themselves.

Councilman Adams: Please.

President Friend: Schools.

Councilman Adams: Tell us who you are.

TEEN ADVISORY COMMITTEE:

Johanna Laser of Reitz High School

Abby Wilson of North High School

President Friend: Thank you so much.

COUNCIL ATTORNEY

This evening I'd like to give thanks for Scott Danks, our City Council Attorney, for joining us this evening.

SERGEANT AT ARMS

This evening we have Officer Kirby. Thanks for coming out.

President Friend: I need to approve the minutes of the October 27th, 2014 and the October 31st, 2014 meetings of the Common Council. Do I have a motion for that?

Councilwoman Robinson: So moved.

Councilwoman Mosby: Second.

President Friend: I had a motion by Councilwoman Robinson and seconded by Councilwoman Mosby. Ayes? Nays? (*Unanimous Ayes*) It goes forth.

REPORTS AND COMMUNICATIONS

IN YOUR NOVEMBER 7th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for November 10, 2014
- * Ordinances G-2014-29, F-2014-20 Amended, R-2014-17 Amended and R-2014-25
- * Resolution C-2014-35
- * City of Evansville's 2015-2019 Consolidated Plan Draft, Analysis of Impediments Fair Housing, 2015-2019 Housing Market Study, Needs Survey and Citizen Participation Plan Submitted by the Department of Metropolitan Development
- * Evansville Redevelopment Commission Meeting Minutes from October 21, 2014
- * September 2014 Financial Report

EMAILED MATERIAL:

* City Council Meeting Minutes for October 27, 2014 and October 31, 2014

ON YOUR DESK THIS EVENING:

* Extended Agenda

President Friend: Is there a motion to receive, file and make these Reports and Communications a part of this meeting?

Councilman O'Daniel: So moved.

Councilman Adams: Second.

President Friend: I had a motion by Councilman O'Daniel and seconded by Dr. Adams. Ayes? Nays? *(Unanimous Ayes)* Goes forth.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-29 PUBLIC WORKS

BRINKERHOFF-RILEY, MCGINN, MOSBY, WEAVER

An Ordinance Amending Chapter 8.40 (Registration of Residential Rental Buildings) of the Evansville Municipal Code

RESOLUTION C-2014-35

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Installation of New Equipment - Fisher & Company

ORDINANCE R-2014-25

APC

C-4 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 600 Christ Road

Petitioner: Level Development, LLC

Owners: Connie Engelbrecht

Representative: Dan Buck

District: John Friend, Ward 5

President Friend: I need a motion to adopt the Consent Agenda?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Friend: I had a motion by Councilman O'Daniel and seconded by Councilwoman Mosby. Ayes? Nays? *(Unanimous Ayes)* It goes forth.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2014-17 AMENDED

APC

M-2 & R-4 to M-1 w/ UDC

An Ordinance to Rezone Certain Real Estate in Vanderburgh County, State of Indiana, More Commonly Known as 101, 105, & 107 N. Fulton Avenue & 1122, 1124, & 1126 W. Illinois Street & 1121 & 1123 W. Indiana Street

Petitioner: John F. Rogers
Owners: Same
Representative: Morley and Associates, Inc.
District: Al Lindsey, Ward 6

This petition comes forward with a "no action" recommendation from the Area Plan Commission, having 5 affirmative votes, 3 negative votes and 1 abstention.

President Friend: Yes, is there a motion to accept the amendment for Ordinance R-2014-17 Amended?

Councilwoman Robinson: So moved.

Councilman Adams: Second.

President Friend: I had a motion made by Councilwoman Robinson and seconded by Dr. Adams. Ayes? Nays? (*Unanimous Ayes*) It goes forth.

Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman Weaver: So moved.

Councilwoman Mosby: Second.

President Friend: I got a motion by Councilman Weaver and seconded by Councilwoman Mosby. Ayes? Nays? (*Unanimous Ayes*) Now it stands at Third Reading for Zoning which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-17 AMENDED

APC

M-2 & R-4 to M-1 w/ UDC

An Ordinance to Rezone Certain Real Estate in Vanderburgh County, State of Indiana, More Commonly Known as 101, 105, & 107 N. Fulton Avenue & 1122, 1124, & 1126 W. Illinois Street & 1121 & 1123 W. Indiana Street

Petitioner: John F. Rogers

President Friend: I think Krista, you're representing Mr. Rogers, right.

Krista Lockyear: Yes sir.

President Friend: We know who you are but state it for the record.

Krista Lockyear: Mr. President, members of Council, Krista Lockyear on behalf of the petitioner Jack Rogers requesting your support for this rezoning.

As was indicated, this comes without a recommendation from Area Plan Commission. There was considerable discussion at Area Plan Commission between my client and the neighbor immediately to the east on Indiana Street, a Mr. Pete McCullough. I'm happy to advise that my client and Mr. McCullough have worked out their differences and Mr. McCullough's attorney is here as well to speak to our agreement.

Very quickly I would like to run the merits of the rezoning for you. As you're all, I'm sure, familiar with this property, it's a partial downzoning. This property has really undergone deterioration over the years. Fulton Avenue, unfortunately, we've widened Fulton, we had some progress there but this particular block, with the exception of Mr. McCullough's property really has not seen anything but deterioration. Some of the properties have been razed by my client. Some of those properties have been razed by the Building Commission and a majority of the block, actually, at some point in the past few years have been cited with building violations by the Building Commission so certainly what Jack Rogers is doing in purchasing these properties and seeking to redevelopment is a benefit to the city.

Jack has also purchased the property that was formerly the Sterling Brewery on the other side of the street and is planning a beautiful redevelopment of that property as well. I have a picture that I could put up but I'm scared of the computer here so I'm just going to show you all the artist rendering and then I'll pass it around for you to look at. I've gotten in trouble trying to stick the thumb drive in the computer in the middle of a meeting before so...

What this redevelopment and the entry to the Lloyd Expressway right down Fulton you'll see it's pretty exciting. I think it's definitely a benefit to the area and hopefully it'll generate more excitement as you go north on Fulton and encourage others to redevelop this property.

Since this is a land use obviously you've got guidelines to look at. The harmony with existing land use...currently this is vacant...vacant land as well as vacant buildings. With the exception, again, of Mr. McCullough's property, we think everything thing in this block really needs to be rehabilitated so we're certainly doing a positive in that direction.

This is consistent with your comprehensive plan. Comprehensive plan actually calls for this area to be industrial development; it's a very mixed use now, and Mr. Rogers's plans for this

property are industrial and office so we're certainly in conformance for what the City has planned for the area.

And preservation values of the adjoining properties; again you take a look at it and I think that speaks for itself. It's going to be a benefit property tax phase for Evansville as well as for the adjoining properties.

I do also want to pass out for you, and make it the record, we've...in working through the concerns that Mr. McCullough has we've actually even increased the commitments in the Use Commitment so I'm going to pass that out. I have the original for the City Clerk and a pass one out to each of you. I gave you all my copies but I'm going to go from memory. The Amended Use and Commitment that you have, we, between Area Plan Commission and this meeting, agreed to make significant more restrictions on the use that could be put on to this property. It's essentially bringing this property back down to a C-4 rezoning with additional uses that Mr. McCullough felt would be incompatible directly adjacent to his residence.

In addition to those commitments that you have in your filed Amended Commitment...Use & Development Commitment, we have agreed with Mr. McCullough to limit the noise that comes out of any speakers that might be located on the property. We've agreed to use shielding for the lights so that they will not fade or direct any light onto adjacent residential. We've agreed to limit the hours of operation of any business that might be on the property to...no 24-hour businesses, specifically restricting to those hours of operation that an alcoholic beverage permit would allow in case there's a restaurant here that does serve alcoholic beverages.

Councilwoman Brinkerhoff-Riley: What are those hours? Is it like till 1:00?

Krista Lockyear: I believe it's 3:00...

Councilwoman Brinkerhoff-Riley: 3:00 a.m.

Krista Lockyear:...and then maybe 8:00 in the morning but I didn't delve through the statutes because they agreed that that was...if there's an Applebee's or something of that sort there, they would want to have those hours.

Councilwoman Brinkerhoff-Riley: Right, okay.

Krista Lockyear: And if those hours should change, if the state statutes would change, then this Use Commitment would have to be revised.

And finally we agreed to allow Mr. McCullough...now I might need my Commitment that I gave to you. So the noise, the light restriction; we added...

Councilman O'Daniel: Height, hours...

Councilman Adams: Height, weight...

Krista Lockyear: The height limitation was the big one. Mr. McCullough was very concerned that a new development here, given your zoning tables in the M-1 could be pretty high and restrict his sight to the west of the property. We agreed in Section III that the lots immediately adjacent to him on Indiana would be no higher than 35 feet, which is a standard residential height limit, and we agreed that the properties on Fulton would not exceed the height of the existing building or the ones that were formerly razed.

With those agreements and further discussion we've had Mr. McCullough, if you look at the property we've got an alley that sits between the properties that my client is purchasing and wanting to develop and we've spoken with Mr. McCullough about agreeing when, if and when, we need to come to you for an alley vacation if you would be supportive of that as well, and I'll let his attorney speak to that, but that an additional part of our agreement.

So with that being said and the work that's gone into this with my client and Mr. McCullough, I would certainly appreciate your vote. I think anybody, again, growing up in this area of Fulton Avenue is really important to our community and anything we can do to bring new development to the area is certainly a positive so I'd appreciate your affirmative vote. Be happy to answer any questions and if you don't have questions of me I'll turn it over to Mr. Bohleber.

President Friend: Do we have any questions from members of Council?

Councilman O'Daniel: The...since the last vote at Area Plan, that was the Amended Use & Development and he's satisfied with now?

Krista Lockyear: The one that I've just passed out to you, that is correct.

Councilman O'Daniel: Okay. And was that the concern at Area Plan. I mean that was a long discussion but...

Krista Lockyear: Yes. There were various concerns at Area Plan. At that point the Use Commitment was pretty thin...

Councilman O'Daniel: Okay.

Krista Lockyear:...so we expanded on the restrictions.

Councilman O'Daniel: Thanks.

President Friend: Do we have any questions from members of...in the audience for, against? I trust you represent the...

Steven Bohleber: Yes Mr. Friend and members of Council, my name is Steve Bohleber and I do represent Pete McCullough, who appeared through me, at the Area Plan Commission meeting and, you know, we hoped at that time that we would be able to come as partners in the development of this Lamasco neighborhood when we got to the City Council meeting and I'm happy to report that that is the way that Mr. McCullough and Mr. Rogers appear before you tonight.

As we pointed out, and I won't belabor the point since I've communicated with all of you in one fashion or another and you've probably read the minutes, Mr. McCullough was in some ways the pioneer in that neighborhood to preserve and renovate. He took a building that we've, even since the Plan Commission learned, perhaps was the Wharf Master's house for the Wabash and Erie Canal. It has tremendous historic significance and Dennis Au has identified it in the 1850s from lithographs as being present. He's testified to the materials I supplied to you that it's been a wonderful restoration and Mr. McCullough has put his life's work in this. It was even featured in *Evansville Living* magazine of an example of what you can do with older property.

So that's what my client wanted to protect and I'm happy to report that he is pleased with the agreement that has been reached with Mr. Rogers with respect to hour limitations, height limitations, lighting, noise, enforcement and a significantly expanded prohibition of uses from the original Use & Development Commitment. Likewise, there is still some ancillary discussions going on, one of which involves the potential of vacating that alley and Mr. McCullough, and I think there's an informal agreement between counsel floating around now for formal, no informal, but an agreement that will be executed, a Memorandum Agreement, that my client would not interpose an objection to that alley vacation to the west of his property, adjacent to Mr. Roger's properties.

With this commitment and that understanding my client is happy to come as a partner in the redevelopment of that area with Mr. Rogers and looks forward to a long relationship, a positive relationship, with him, so he likewise asks that this council approve the rezoning as submitted and as limited by the Use & Development Commitment that's been made a part of the record here this evening.

Thank you and I'm here to answer any questions if you have them.

President Friend: Steve, appreciate the collaboration that obviously went between the parties. It's always nice to hear that from time to time.

Steven Bohleber: It makes it easier, doesn't it?

President Friend: Sure does. I know it doesn't help your billing rate too much. You always want to keep these things going as much as you can.

Steven Bohleber: Oh well.

President Friend: You got to be practical about this.

Steven Bohleber: You had to stick that in, didn't you John? Thank you.

President Friend: Do we have anybody else in the audience like to make a comment about this?

Councilwoman Brinkerhoff-Riley: I just want to, for the record, Councilman Lindsey does support this and I know he's got a really sick relative this evening but I know he had reached out to me as well as others that he supported this and it's located in his ward.

Steven Bohleber: *(Off Mic)* May I approach your attorney real quick?

President Friend: Sure you can.

Steven Bohleber: *(Off Mic)* I have something to give him that has nothing to do with this council meeting. I thought you'd take a break.

President Friend: Okay, thank you. Do we have any other folks? With that said I'd like to entertain a motion for R-2014-17 as Amended.

Councilman Weaver: So moved.

Councilwoman Brinkerhoff-Riley: Second.

Councilman McGinn: Second.

President Friend: I had a motion made by Councilman Weaver and seconded by Councilman McGinn. Please call the roll as it relates to R-2014-17 as Amended.

Comment made prior to casting their respective votes:

Councilman Adams: Both parties have come a long way since the Area Plan. I applaud your work together. I vote aye.

Councilman O'Daniel: Likewise I want to point that out that we like to see that collaboration but just looking at this area and the redevelopment, this is one of the major gateways to downtown and at least the schematics that have been presented offer a great opportunity to really liven up that Fulton corridor and the entrance into downtown. And, you know, you're

building right across, well actually within what, two blocks of where the Haier Building is going to be, their development center, so I think that's a really...it's exciting to see some activity going down in that area of town so I vote aye.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Adams, O'Daniel, Weaver, Friend

Absent: Lindsey

President Friend: With eight (8) ayes and zero (0) nays, Ordinance R-2014-17 Amended is here by declared adopted.

Thank you very much.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-20 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

RESOLUTION C-2014-33 FINANCE O'DANIEL

A Resolution of the Common Council of the City of Evansville Ratifying the 2015-2019 Consolidated Housing & Community Development Plan, the 2015-2019 Analysis of Impediments to Fair Housing Choice, and the 2015 Annual Action Plan

RESOLUTION C-2014-34 FINANCE O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and Installation of New Equipment (Mead Johnson & Company, LLC)

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, your Finance Committee met this evening to hear *Ordinance F-2014-20 Amended and Resolutions C-2014-33 and C-2014-34* and they all come forward with a do-pass recommendations.

President Friend: Is there a motion to adopt the Committee Reports and move the Ordinance and Resolutions to Third Reading?

Councilman Weaver: So moved.

Councilwoman Mosby: Second.

President Friend: I had a motion made by Councilman Weaver and I think Missy beat you out. Thanks Missy, you have second. It's close, it's very close. Ayes? Nays? (*Unanimous Ayes*) It moves forward.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-20 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

President Friend: Is there a motion to adopt Ordinance F-2014-20 as Amended?

Councilman Weaver: So moved.

Councilwoman Mosby: Second.

President Friend: I had a motion made by Councilman Weaver, seconded by Councilwoman Mosby. Madam Clerk, please call the roll as it relates to Ordinance F-2014-20 Amended.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Adams, O'Daniel, Weaver, Friend

Absent: Lindsey

President Friend: Eight (8) ayes, zero (0) nays, Ordinance F-2014-20 Amended is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-33 FINANCE O'DANIEL

A Resolution of the Common Council of the City of Evansville Ratifying the 2015-2019 Consolidated Housing & Community Development Plan, the 2015-2019 Analysis of Impediments to Fair Housing Choice, and the 2015 Annual Action Plan

President Friend: Is there a motion to adopt Resolution C-2014-33?

Councilwoman Robinson: So moved.

Councilman Weaver: Second.

President Friend: I had a motion made by Councilwoman Robinson and seconded by Councilman Weaver. Madam Clerk, please call the roll as it relates to Resolution C-2014-33.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Adams, O'Daniel, Weaver, Friend

Absent: Lindsey

President Friend: Eight (8) ayes, zero (0) nays, Resolution C-2014-33 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-34

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and Installation of New Equipment (Mead Johnson & Company, LLC)

President Friend: Is there a motion to Resolution C-2014-34?

Councilman Weaver: So moved.

Councilwoman Mosby: Second.

President Friend: I had a motion Councilman Weaver, seconded by Councilwoman Mosby. Madam Clerk, please call the roll as it relates to Resolution C-2014-34.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Adams, O'Daniel, Weaver, Friend

Absent: Lindsey

President Friend: Eight (8) ayes, zero (0) nays, Resolution C-2014-34 is hereby declared adopted

MISCELLANEOUS BUSINESS

The next City Council meeting will be Monday, November 17, 2014 at 5:30 p.m. in this room and Committee Meetings begin at 5:20 p.m.

Yes?

Councilwoman Brinkerhoff-Riley: Sorry. Before we do Committee Reports President Friend, do you...I know you had invited Mr. Mounts to come and discuss the Johnson Control project and I just...I had mediation all afternoon; I just finished. I just wondered if you had an update on that. *(End of Tape-Side A)* I know there are some people that were under the impression that we would have a discussion and they have attended based on that and I would hope we

would allow them to speak and potentially make sure that all of Council is up to speed on the issue.

President Friend: Yes, I mean I received an email later in the day, probably about 4:30. It indicated that Mr. Mounts would be unable to attend this evening; he had another commitment. I asked if maybe he could send another representative of the Utility to join us this evening, name of Mr. Duckworth and I don't think he's in the audience. I don't see him. Then I...then later...then I sent an email off to Mr. Schaefer and I see he's in the audience. Maybe he might be able to...I don't know if you got my email or not but I did send it to you...if they maybe field some questions that we may have.

I myself have received a quite a few contacts. I don't know if some...maybe some of you have. Matter of fact I actually received a letter addressed to my wife. She got it and that really got heated when she got it. Up until that point in time everything was going along pretty well and then I got the letter and it's not addressed to her but it's addressed to the property she owns. It was her dad's...her dad's property. And I don't know, it looks like a form letter but I don't know I guess maybe...Steve, we going to have questions we have about this. The letter seems to be pretty abrupt, it sure does. It says basically says if I don't get this thing fixed I'm going to be taking cold showers in the lake.

Councilman Weaver: The estimate...have you heard from the taxpayers about the estimates they're receiving? (*Inaudible*) thousand, six thousand, three thousand, it's crazy.

President Friend: Yeah well the...well the reason why...you know why it's the difference because here's the deal: If a lot of the meters may be out close to the road. If you had a home that sits back off 30, 40 feet away from your home, you got to cover that whole area with replacement and that's going to be a big number. That'd be \$5,000. I had a call tonight from a guy. He said \$5,800 he was asking about this.

Councilwoman Brinkerhoff-Riley: And I think just as an overview, up until these letters started coming out as the contractor would go to replace the meter, if there was breakage on the city-side. Then if it's galvanized pipe that is broken, and I know Mr. Matthews here from the Water Department, if the contractor broke the connection on the city-side and it's galvanized, a new line has to be ran to the main but if the contractor breaks it on the residential-side, that is the responsibility of the City and we have been contracting that out to plumbers and so based on that cost, apparently the decision was made to start inspecting the pits prior to allowing the contractor to swap out the meter. Now they're asking the homeowner to essentially do some replacement work that theoretically would reduce the potential of the contractor breaking that connection and make it easier to swap out that meter. This is a plastic meter so sometimes where the connect or the threads are being stripped or the brass couplings don't fit and so basically, it's my understanding, to reduce the City's potential

liability we're asking homeowners to preemptively do replacement work so that there is an easier swap out by the contractor. You can correct me if I'm wrong on that.

President Friend: I mean I have another thing too is that what I guess what I'm puzzled by is that I know if this is a contract we entered into with Johnson Controls, and I do realize Johnson Controls has done this throughout the county. Now what I can't understand is didn't Johnson Controls, along the way, tell us that we have this potential of when you go in to break those couplings on 20-year old meters that this is probably going to cause damage and some additional cost. I don't know, I mean did they...when did this ever come out? I'm kinda on Johnson Controls' backside on this deal because a lot of money. A lot of people don't have the money for this.

Chief of Staff Schaefer: Steve Schaefer, Chief of Staff for the Mayor. I just can give you an update of what happened today. First thing the mayor met with Director Allen Mounts and some of his senior staff to get fully briefed on the subject and to, you know, figure out where we go from here and get an update on the project.

I apologize for Allen that he couldn't be here tonight but he is going to schedule another update just like they had on August 11 and on August 27. They'll bring in their full team again in the near future so that you can answer questions. Obviously I'm not the subject matter expert by a long shot.

But today, obviously, same with you Councilman Friend, the mayor was not happy with the letter that was sent out to the thousand property owners, did not agree with the tone of the letter. Obviously it wasn't the intent of the City in this project to shut anybody's water off. That's something that we certainly do not want to happen. The intent was to modernize the water meters and the infrastructure and to give rate-payers real-time information on their water usage so as we continue through this project, the Utility is going to take a look at...do a deeper dive into those thousand properties, basically re-inspecting them to figure out whether or not the problem is simply a...the water...the meter pit needs to be cleaned out. If it was simply...if it was a larger issue, if it was a line, if there was a major leak, obviously that's something that would have to be repaired immediately because, you know, either the City or the homeowner is losing out because of...if there's a leak. But if there's not a leak, which hopefully is the case in a lot of these properties, the City certainly wants to take a different approach and do what it can do to, you know, help the property owners and fix or repair the situations.

So we certainly understand the frustration. There was a lot of frustration by the man in that office when we started hearing about the letters and the tone that was in there so we certainly want to take a different approach, a cooperative approach, with the customers to figure out the best solution to get this project moving forward.

If there is not a leak the Utility Department is simply going to retrofit the meter instead of the full replacement at this time so hopefully that will alleviate a lot of the problems.

Councilwoman Brinkhoff-Riley: I have a...

President Friend: Steve, let me ask you one thing. Here's the one thing I got to get through here 'cause I got this thing that you guys want me to sign, excuse, my wife to sign, and it says here, it says, "Waiver and Release of Liability". I mean normally what I usually think about like that is if I'm trying to give somebody a waiver, they know...they must think that they've got a liability. I mean it goes in itself.

Chief of Staff Schaefer: Yeah.

President Friend: If you want me to sign away a liability you think you have so it begs the question that then indeed the City or Johnson Controls or somebody's liability here. And if I add one other thing, and then I'll let me my other *(Inaudible)* chime in here, that if my wife had a leak in her property, why would it come on a form letter. You would think if you sent somebody out to that location it would have said something like, "Mrs. Friend", on there, "You have issues here". So I'm having...wondering why is it's going on a form letter.

Chief of Staff Schaefer: And that was our question. Yeah.

President Friend: *(Inaudible)*

Speaking Simultaneously

Chief of Staff Schaefer: *(Inaudible)* The do need to do a deeper dive with those thousand that received those I think, 'cause obviously, you know, the way it was handled we certainly don't agree with and that's why...

President Friend: Yeah, 'cause it begs the question...I don't think we got leaks here; I think we got ourselves a lottery.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Councilman O'Daniel: So Steve...

Chief of Staff Schaefer: Sure.

Councilman O'Daniel:...has the Mayor given a directive then to essentially disregard that letter until further notice?

Chief of Staff Schaefer: Yes.

Councilman O'Daniel: So ratepayers who have received this letter don't need to act immediately.

Chief of Staff Schaefer: No, not at all.

Councilman O'Daniel: Who should they contact? Who should they be in contact with from the Water Department because I've heard that that customer service experience hasn't been wonderful either? And so I guess, how do we get...look, obviously you're indicating that the Administration was unaware of what was going on in its own department but from that standpoint how can the ratepayers, the customers, how are they supposed to know anything if the Administration doesn't know?

Chief of Staff Schaefer: Well first of all we knew what was going on in the department. We simply did not...every letter that's...every letter that's sent out we don't approve; the mayor doesn't approve every single letter. Obviously the tone in this letter and with the 30 days or 14 days or water be shut off, certainly don't agree with, and that Allen and his senior staff admitted that it was a bad judgement call and they apologized for that today. And that's what we certainly want to happen is disregard the letter and we're taking...we want to take our time to figure out each of those thousand properties because, like you said, that's a pretty generic letter. Figure out if it is a small problem, that's something that the City should be willing to, you know, willing to repair and take care of. Or if it's a bigger problem, then we...then both the homeowner and the City have a much bigger issue on their hands. Certainly with the winter weather and everything it's, you know, we don't want to have problems.

Councilman O'Daniel: *(Off Mic)* What's the timeframe on this?

Chief of Staff Schaefer: For the thousand?

Councilman O'Daniel: Yeah, just to repeat; I didn't have my microphone on, what's the timeframe on the re-inspection and...

Chief of Staff Schaefer: Sure. Today the mayor was very clear in saying on the re-inspection, he said, "Take as much time as you need because we want to get it right". We don't want to force homeowners to take an action or...basically, we want to get it right.

Councilwoman Brinkhoff-Riley: Hey, I have a...on the Waiver of Liability there, the first set of letters that's sort of a test balloon was about 40 letters that went out a month ago and then there were a thousand followed last Friday. I know Susan is here for Oak Hill Neighborhood Association. We're all aware of people who have signed this Waiver of Liability. Is the City committed to disregarding those waivers until we have, given the letter, given the sort of fear factor, can we get a commitment that you're going to disregard those waivers until we know

what's going on and the homeowner has a more fair situation in which to evaluate whether they even have any work to do at all?

Chief of Staff Schaefer: Uh-hum, yes.

Councilwoman Brinkhoff-Riley: Okay, and then a commitment not to turn off anybody's water. I heard that.

Chief of Staff Schaefer: Definitely.

Councilwoman Brinkhoff-Riley: Thank you.

President Friend: The reason why I requested maybe Mr. Duckworth come join us tonight because this is his signature on my letter that I got. I thought maybe he might be able to give me a little bit straight from the...what was he thinking about when these went out? You follow what I mean?

Chief of Staff Schaefer: Sure.

Councilwoman Brinkhoff-Riley: I think that's a stamp. He...I talked to Mike. He said he was unaware...

President Friend: Those stamps get you in trouble.

Councilwoman Brinkhoff-Riley:...that there were a thousand, that he wasn't aware of the sheer volume is what I got.

Councilwoman Robinson: *(Off Mic)* Did you read the letter?

Multiple Speakers Speaking Simultaneously: (Inaudible)

Chief of Staff Schaefer: They both...taking responsibility, both Allen Mounts and Mayor both took responsibility and said that it's needs to be, the approach needs to be changed so the one thing that...the bit of good news in all of is that 30,000 out of the 65,000, you know, they're making a lot of progress and the 30,000, only 1,000 were ones that these problems were identified and the good news about that is that when you look at the different cycles or phases...am I missing something?

President Friend: No, I was just...I was just...somebody...I was whipping...lip reading. Go ahead.

Chief of Staff Schaefer: But basically of the phases that have been completed so far, a lot of those are in the older parts of town so that's the good news. I think they were pleased that only 3% of...so far were, you know, having the issues. So obviously this is on the water side and just like on the sewer side the pipes and the infrastructure is aging and there's a lot of issues that have taken place so we just need to address those but we need to do it in a better way.

President Friend: *(Inaudible)* Go ahead.

Councilman McGinn: Steve, to kind of put some of the people at ease out here, I mean some of this issues even though they got the same form letter, some of 'em are as simple as a rusted bolt on the lid...

Chief of Staff Schaefer: Yeah.

Councilman McGinn:...to the meter and then some are as serious as people built their driveways on top of the meter pits. It runs the gamut and that's why you've got to do the inspection. They'll get a tailored letter then so they know what the issue is.

Chief of Staff Schaefer: Yes.

Councilman McGinn: That's good. Thanks.

President Friend: Let me ask you this Steve 'cause I know some people get a little dubious about our government. You know they wonder if you want to send somebody out. I might want to suggest that somebody...they have a friendly plumber, they want them to come out and look this over, their meter bed, so they know what it is. In other words an independent plumber; whoever you want to use. I would suggest that 'cause I guarantee you my friendly plumber is going to be out to this house right here and we're going to get a second opinion about this. I suggest everybody maybe want to do the same.

There was a lot of people came to the audience here. I want to be able to get anybody...

Councilman Adams: *(Off Mic)* *(Inaudible)*

President Friend: No, I'm sorry Dan. Sorry.

Councilman Adams: I think it's pretty simple. It's like a high class antique shop; if you break it, you own it.

Unidentified Speaker I: *(Off Mic)* Right.

Unidentified Speaker II: *(Off Mic)* I agree.

Unidentified Speaker I: *(Off Mic) (Inaudible)*

President Friend: Yeah, I like that. That's a good point. Yeah.

Chief of Staff Schaefer: No disagreement at all.

Councilman Adams: If it's working and everything's fine and somebody comes out and does something to it, it's sort of like *(Inaudible)* medical legal fund.

Chief of Staff Schaefer: Yeah and if it's not broken then...if it's not broken today then they're just going to retrofit it so that it's not, you know, they're not replacing it with a new one and breaking something so...but yeah, I mean, it's completely understandable, the reaction and we want to rectify that so, yeah.

President Friend: Great.

Councilwoman Mosby: Steve? So basically we can tell our constituents that this is being worked on and we will get back with them as soon as possible?

Chief of Staff Schaefer: Yeah, and just to piggyback Councilman O'Daniel's question on who to call, continue to call the customer service department at the utility. After today's series of meetings I think the direction is being communicated to the entire department so, you know, as things evolve and trickle down, certainly, and if they have any issues at all, feel free to call the Mayor's Office.

Councilwoman Brinkhoff-Riley: Well it doesn't sound like they really need to do anything. It sounds like really need to wait for a second letter.

Chief of Staff Schaefer: Yes, and there will be another letter. Thank you for saying that.

Councilwoman Brinkhoff-Riley: And thank you. I mean when I talked to you last Thursday, you know, you were very helpful and I appreciate it.

Chief of Staff Schaefer: Sure, no problem.

President Friend: Steve, one thing. You never got...gave me any clarification. Did Johnson Controls ever bring this...to this...to the Administration's attention that this could be a concern?

Chief of Staff Schaefer: I apologize, I don't remember. It's...that was...the contract was signed in 2011 and, you know, a lot of those negotiations happened right when we came into office,

but I don't know. I'll certainly ask. I'll make sure that Allen and the team have that next time they present.

President Friend: I myself would kind of be looking at them to be quite honestly. They break it, they own it. Kind of the way *(Inaudible)*.

We got anybody in the audience? Yes, come on up. State your name and...

Councilman Adams: *(Off Mic)* Might be cheaper to dig a well.

President Friend: Yes, yes. State your name...

Susan Harp: Susan Harp, president of Oak Hill Neighborhood Association but also regional vice-president for the Eastside Neighborhoods for United Neighborhoods. I started getting phone calls last Friday about this and then our nextdoor.com is a wonderful tool that we now have and it lit up. I have heard...my concern...great to hear this news. This is wonderful news we heard tonight but there are a lot of people that have already paid.

President Friend: Yeah.

Susan Harp: There are a lot of people, both the City and the County. I know one on Willamette has already paid \$1,500. Her 94-year old neighbor hadn't hers done yet because she didn't have the money to do it and they estimated her at \$1,500 also. I know one out on St. George, which would not be your problem, but they've already had theirs done just last week and paid another over \$1,500. So there are a lot of neighbors out there that have already had this work done because they were afraid not to and they had savings to do it.

So, you know, it's kind of like we don't know if some of those really need it or not. Hopefully... the people I've talked to felt good about the plumber they had come out but I don't know how much they actually got down into the pit and looked themselves.

President Friend: Sure.

Susan Harp: Most of these are older people.

President Friend: You got one right here.

Councilman Adams: Suzy, what do they do for 1,500 bucks? Did they take out the metal pipe and put in a plastic pipe?

Susan Harp: Yes, and they...

Councilman Adams: The question I would have is why can't you retrofit the meter and put a piece of metal on the plastic fitting and therefore have it be compatible.

Susan Harp: Well I deferred that question to my husband and he told me that when you, having worked in pipe and putting in water lines, sewer lines, that when you have that older pipe and you start to take it out, it's going to crumble, it's going to fall, so you just have to go ahead and replace the whole pipe. You know, I mean you might be able to go so far and put a fitting but chances are it's going to, as old as it is. So they paid for a trencher. They have paid for a locator, a trencher, then they had to pay for...

Councilman Adams: Replacement.

Susan Harp: Yeah.

Councilwoman Brinkhoff-Riley: *(Inaudible)* Friend, can we have people who have already spent money submit that information to the Clerk's Office so we can track it?

President Friend: That's probably a good idea to do this.

Councilwoman Brinkhoff-Riley: Yes.

Susan Harp: Are you familiar with...

Councilwoman Brinkhoff-Riley: I mean I don't know what the answer is at this point but it would certainly be nice to know 'cause I know that the original 40 letters that went out about a month ago, quite a few of those did the work where they could and then with the letters just coming out I think last Saturday, I don't know how many got 'em got work done but I mean probably some people doing it themselves, but it would be nice to track if people would submit that information to the Clerk. Sorry to do that to you. *(Inaudible)*

Susan Harp: And I know a lot of people have already signed the waiver. I know a lady that works at our daycare at school that lives in Missy's area right there by Lorraine Park had already signed the waiver.

Councilwoman Brinkhoff-Riley: Well they're disregarding those.

Susan Harp: So that's good.

Councilwoman Brinkhoff-Riley: But we probably ought to track what kind of money people have spent.

Susan Harp: Okay, and I can pull some of the people off of here that just are in the area and I guess I deal with the County about those county people?

President Friend: Yeah, they got the same thing, yes. Thank you, Susan.

Anybody else...yes sir. Come on up. Name, address for the record if you would please.

Will Flamion: My name is Will Flamion, 7418 E. Bellemeade. I'm actually one of the guys; I'm a union pipefitter. I'm one of the guys that's replacing the meters. A lot of disinformation and I'm sorry. There's a lot of disinformation.

Actually, I'm going to focus on Ms. Riley. The open letter that you posted on Evansville Transparency, "Your meter has not been replaced yet and the contractor has broken either the residential side of the meter or the City side many times". That's like...you're not there, you weren't there to see it, you don't know what's happened. Most of them we get to, whenever we open up the lid, we can look down inside. A lot of them are galvanized pipe; they're rotten, they're corroded, they're flaking, they're swelled up the size of a softball. We don't touch those. In fact, with the company that I work for, if we break it in the pit we are responsible for two feet, either side of the pit. Break it you bought it.

Councilman Adams: Great.

Will Flamion: That's part of our deal.

Councilman Adams: Uh-huh.

Will Flamion: If something happens where we're working on one, we think we can probably get it and we're breaking the nuts loose; you're talking about some old brass nuts and some old brass meters. Sometimes it doesn't work out. You can't just replace a short section most the time. Most the time there's a lot of them that have dirt filled in it. When we try to break it loose it will actually break underneath the dirt line where we can't even see. We then also have to go back in and fix those. But we are responsible for two feet on either side of it.

Plastic piping? Horrible idea. PVC should never be used to replace a water line, go into a house, because whenever you're trying to mix plastic with steel, or galvanized, or copper, a lot of the times the plastic's going to give out such as if you ran a plastic line all the way to the house, I can twist it down here and a month later, just because of the stress, it'll break 25 feet underneath the ground and leak up inside the ground. That's an improper repair.

Councilwoman Brinkerhoff-Riley: The letter's just to respond and I appreciate you coming in but the letters went out to people where there water meter has not been replaced yet.

Will Flamion: And those are the ones whenever we walk up to the pit and open up the pit, if it looks like that it's going to break and it's going to be a problem, we put an exception on that.

Councilwoman Brinkerhoff-Riley: Right, well the point of the post was that people not sign a waiver, the Waiver of Liability.

Will Flamion: I'm speaking of the first paragraph in the post. You made the statement that the contractor has broken the part. That was your statement.

Councilwoman Brinkerhoff-Riley: Well we have a percentage of breakage. It was listed by Allen Mounts.

Will Flamion: But the ones that are in the pit we fix. You're statement was that it was the responsibility of the homeowner to fix and that is an incorrect statement.

Councilwoman Brinkerhoff-Riley: That's not what I said.

Will Flamion: Let me reread it just to verify for you.

Councilwoman Brinkerhoff-Riley: When they're telling the homeowner to pay for repairs...

Will Flamion: "Your meter has not replaced yet. The contractor has broken either the resident side of the meter or the City side of the meter. If you sign the waiver and something is broken on the resident side of the meter in the meter change process, you're responsible for all costs related to the repairs". That's false.

Councilwoman Brinkerhoff-Riley: That's what a Waiver of Liability means.

Will Flamion: Anything within sight of that pit...

Councilwoman Brinkerhoff-Riley: But you've listed a lot of different things that can happen.

Will Flamion: Exactly, and you've just put a blanket over the top of all of it and each of 'em is an individual problem.

Councilwoman Brinkerhoff-Riley: Well they got a blanket waiver.

Will Flamion: I'm speaking of what you made a statement of, which I have been following on the thread, which has raised a lot of concern with people with misinformation that you put out there. I think that you probably should have informed yourself a little bit more before you made that statement.

Council Attorney Danks: I read that post. I think her statements are spot-on. There is nothing inaccurate about statement.

Will Flamion: Being the person that's actually doing the work and seeing the situations, it's not.

Council Attorney Danks: If you reread that statement, she says that they have not yet been replaced but if they are, damage can occur.

Will Flamion: You know whenever you get in those pits...

Ed Massey: *(Off Mic) (Inaudible)*...saying what you're saying to her is spot-on. What she said to you was spot-on because we have been repairing.

Will Flamion: Right.

Ed Massey: *(Off Mic)* Right. *(Inaudible)*
Speaking Simultaneously

Will Flamion: *(Inaudible)*

Ed Massey: *(Off Mic)* And when we entered this whole thing, when we went into this thing, you guys *(Inaudible)*, you guys were out of it but they got into it and then *(Inaudible)*.

Councilwoman Brinkerhoff-Riley: Why don't you come up Ed?

Will Flamion: Ed, come on up here. We've got to...got to have you on the mic.

President Friend: Got to have you on the mic. Please state your name, your ID number.

Ed Massey: Ed Massey.

President Friend: Hey ya Ed.

Ed Massey: Well first off *(Inaudible)*.

Speaking Simultaneously

President Friend: Can you...hang on here. Ed, what's your position for everybody here know. What do you do? How do you know all this?

Ed Massey: I work for the Water Department. I'm a lead-man on a construction crew.

President Friend: Okay great. Go ahead.

Ed Massey: This thing we entered into, and I don't think, you know, you knew or no one really knew because that's the reason when I talked to everyone I said that we should have, you know, looked this thing over a little better. We put money somewhere that it didn't need to go. The mains are in bad shape. You know what I'm saying? The services are in bad shape; that's what you're having to deal with.

Will Flamion: Services *(Inaudible)*.

Ed Massey: So why would you...the meter's working fine. You see what I'm saying? The meter's working, that's... You got me, right?

Will Flamion: Yeah.

Ed Massey: The meter's working. No, we're going to put new meters in and that's going to make it right. No. You're going to have to break this to fix that. That aint going to make it.

President Friend: Well so, if I...if I may...

Will Flamion: That's what we're...that's what we're dealing with on our side of it.

President Friend: I think what it is, if I may add, most of this is an involuntary deal. None of us asked for any of this. None of us asked for it. Now all of a sudden then, like me, you hit the lottery, here it is, I won. Okay so I guess that's what...going to be the frustrations here. Go ahead, I'm sorry,

Ed Massey: All right, I mean the only way that this is going to, you know, you're going to get to the bottom of this, and whatever, and everybody come out on top. That's not going to happen. Just like he said with the plastic pipe, we got tons of plastic pipe in the ground all over. You call for a plumber, the plumber comes in gives you a \$2,500 estimate on something, run you plastic pipe. You don't know nothing about pipe. You get it laid; you know what I'm saying? You go...and then this man comes along to lay something to put a meter in and nothing, nothing fits up. You said you know that retroactive *(Inaudible)*.

Speaking Simultaneously

President Friend: Yeah, yeah.

Will Flamion: I doesn't line up.

Ed Massey: It doesn't line up. It aint going to line up but for the people, the City decided to do this. The City did, not the people. Not the people who pay their bill month. No, they didn't decide on that. But it's a hard hit because, like you said, once you keep pipe underground that long, hey...and then you're going to replace it with something. You've got a plumber coming in and he says, "Well, you know, that's \$1,500".

President Friend: And, if I may add...now this goes back to the question I asked Mr. Schaefer earlier. Now I have a real hard problem here not understanding that I guarantee you Johnson Controls knew exactly the issues that were going to happen here 'cause they been in other cities. There went down Hollywood, Florida; we know about that. They been all over this country and they have dealt with this same thing and they knew it, and not disclosing this is unconscionable. Plain and clear.

Ed Massey: *(Off Mic) (Inaudible)* Just like I said they shouldn't have been...here we get a letter, all of a sudden, 1,000, well 1,040 letters, hit the ground after we've installed how many meters?

Will Flamion: *(Inaudible)*

Ed Massey: Oh but, you know, you know what I'm saying.

Will Flamion: Three hundred a day, five days a week.

Ed Massey: *(Off Mic)* Well they go out, and just like I said, some of the keys that they have to fit to turn it on and off, these keys don't fit the stock hock.

Will Flamion: The stock hocks will be crooked in the pit. You got to try to get in there to try to try to shut 'em off.

Ed Massey: Snaps off.

Will Flamion: You snap it off and now you got a water geyser coming out of the sidewalk and then these guys got to come by and fix it and you've got a customer without water for a short period.

Councilwoman Robinson: And when you come by and fix it is that causing your people to get overtime?

Ed Massey: Sometimes. Sometimes it's overtime. Sometimes you've got to do whatever it takes to get it done.

Unidentified Speakers: *(Off Mic) (Inaudible)*

Ed Massey: Sometimes you're not...that's not the cost. That's not all the cost. You got to run, if it's galvanized and say you've got 50 feet of pipe to run and it's galvanized, you're going to run 50 feet of copper. We can't go back on...we have to put copper in. *(Inaudible)*

Councilwoman Robinson: I think the security guard downstairs stopped me, Officer Fox, and said he had to put copper; his was galvanized and I think he paid \$6,000.

Ed Massey: Yeah well, see that's what I'm saying. People need to be educated; they need to be educated.

Will Flamion: Depends on the *(Inaudible)*.

Councilwoman Robinson: You know I don't think you've done that many in the Center City and I don't know who's going to be able to afford that kind of money.

Will Flamion: We've done a good part of either side of Fulton and Main Street. Right now we're over near Reitz Hill. We're doing *(Inaudible)*.

Councilwoman Robinson: No, I'm taking in the downtown area...

Will Flamion: We have not been in the downtown area *(Inaudible)*

Speaking Simultaneously

Councilwoman Robinson:...which is the oldest infrastructure so I can just imagine. I have not received very many calls but once you start, I can imagine all the calls that I'm going to get.

Will Flamion: I haven't personally had a problem with any customers yet but what I'm concerned with is whenever people make statements, open statements online about the situation that me and my fellow crew workers are going to meet with hostility in the streets and it's...

Ed Massey: *(Inaudible)* we do that all the time. *(Inaudible)*

Will Flamion: I know! That's what I'm saying and I don't want that. I don't want my health to be a concern just trying to do my job and whenever there're statements about us doing the work, that we're causing the problem, that comes back to me. That comes back to me on the street. That comes back to the employee and that's not fair to us either.

Ed Massey: *(Inaudible)* the job. We're not...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: Ed, how repair work are you doing?

Will Flamion: Excuse me?

Councilwoman Brinkerhoff-Riley: How much repair are you doing, Ed? You told me that you guys are doing a lot of repair work after the contractor.

Ed Massey: Yeah, we are. We're fixing 'em as fast as we can but you know yourself, you can't...it's hard to keep up.

Will Flamion: Yeah, I mean that's the thing. Whenever...

Ed Massey: I'll tell you what, the Water Department has shrank to the point where we don't have...we've got five trucks, two go out a day, or something like this, we...we need to...just like the guy from Johnson Controls said, the way we could have saved the City money is did it ourselves, like we did before. And that's what we need to do *(Inaudible)* and back up...

Speaking Simultaneously

Will Flamion: I know whenever we were down in...I know whenever we were down in the Jim Town section, we had probably five of six boxes a day broke. I mean these guys were hustling as hard they could just to get people's water back on and it was a couple days sometimes so. I just...I wanted to address that there needs to be...there needs to be more information on specifics instead of misinformation.

Ed Massey: Well see he is just...he's just part of the deal. That's what I'm saying. He comes in and tries to fix something to do the work but the person that cut the deal knew how hard it was going to be. *(Inaudible)*

Applause

Will Flamion: Thank you. I just wanted to express that. Thank you very much

Speaking Simultaneously

Ed Massey: *(Inaudible)* cut the deal, they knew what they *(Inaudible)*

President Friend: Yeah, yeah, yeah.

Yes okay, do you have some other to say.

Chief of Staff Schaefer: Just real quick. Just three of the points: If residents have already paid and done the work we encourage them to make sure they keep the invoices and the Utility Department is going to be following up with those and figure out what work has been done and the problem and so forth so we encourage them. We will be back in touch with them as well.

The other two points: Let's see...when Allen and the folks come back, please...and I'll make sure that they report this as well; you know when we're talking about...there is a requirement of IURC of water meters need to be replace every so number of years and I don't remember the number of years but I do remember that the City of Evansville has not been following that requirement so that's something that they need to brief you on as well again.

And the comment of, "We didn't ask for this"; neither did this administration. The contract was signed originally at the end of 2011 so what we tried to do is make the contract better; we removed some things but we agree with you. You know when we first started this process we

weren't happy with things either but hopefully we'll work through some of these issues and we can improve the way we're doing this work for the citizens.

President Friend: Here's another gentleman. Come on up; state your name.

Tim Thompson: Hi, I'm Tim Thompson, 2063 East Gum. I'm one of the people misquoted in the newspaper article about it. I did get the letter. Article said I was going to sign the waiver. I really didn't plan to sign the waiver but I did want to ask a question. They mentioned that, you know, they have five of these breaking a day and they were fixing them. If...okay, it's one thing to get the letter and say, "Well okay, I'm going to call a plumber and get an estimate, have somebody come out and replace the plumbing prior to the meter being replaced", but I'm wondering, of all these breaks if it's...if a break happened outside the box while they were trying to fix it he's talking about, lines twisting and things breaking 25 feet down, who paid for that if it happened to these 30,000 people who had their meters replaced and there was a break prior to the letter going out, were they billed for that or did the City pick it up?

Councilwoman Brinkerhoff-Riley: The City paid for it.

Tim Thompson: The City paid for it.

President Friend: City paid for it.

Tim Thompson: And then the City ran out of money and said, "Huh, we better tell people, you know, to make this right prior to us going out there". I mean, yeah it's one thing to ask us to pay for this but I think everybody ought to be treated fairly. Just because somebody eyeballed mine and thought that it might break and they're asking me to sign the waiver or pay for repairs, but they eyeballed one and said, "Oh, that one looks okay", they break it, now the City fixes it. Just doesn't sound fair.

I did take the cover off mine and looked and yeah, the pipe is corroded on the outside. It's an old galvanized pipe but it'll probably sit there for another 10 years and still deliver water without any problems as long as it's not disturbed. And now somebody's going to come out and put a meter in I guess for the convenience of the City because it's a new, hi-tech meter and all that kind of thing, and I'm going to pay for these repairs to have that done.

And my final statement, not a question but an observation but it was widely reported in the media that this was going to be discussed tonight and I'm just a little disappointed in the Water Department, having talked to them and not gotten any answers over the phone, is somebody tells you at 4:30 in the afternoon that they can't make it and they can't send a representative. They don't want to be in the line of fire is what it sounds like to me but I appreciate you listening.

President Friend: Thank you very much. Any other questions somebody have? Yes. Yeah Connie, come on up.

Councilman Adams: *(Off Mic)* She going to say something new?

Connie Whitman: Good evening Council. I'm Connie Whitman, 1780 S. Norman and I'll qualify this by saying I don't know anything about water meters so here I go again. But I caught the 5:00 news just before I came here and I wanted to share this observation. First, there was an apology for the water meter letters by Allen Mounts and he said that was on him. Then next they showed a printed statement from Johnson Controls and it said, "We have nothing to do with the codes, the ordinances, or the costs. The State of Indiana...". This is just a brief jot; it was a whole page. "The State of Indiana, the IURC, etc. controls all that". So Johnson Controls doesn't have anything to do with the 43 million. It just fell in their lap I guess. They didn't have anything to do with the cost. This is...people don't believe things like that. I appreciate those of you who are skeptical like, you know, I'm skeptical too.

And then next, the next part of the story, there was a man named Tyson Slocum of a citizens advocacy group, which I didn't get the name of, and he was quoted in a...the story was headed up, "Not So Smart Meters", and he said there were lots of pro...there's research shows there are lots of problems with them, glitches, problems, bad readings, things like that, and a lot of it's unnecessary. He also said the consumer should have the individual choice to buy the meters or not. You know, in other words, have it, I guess, mixed usage. He said it's like forcing someone to buy a smartphone when they only make local calls.

So I also wonder...they said that it was going, the 43 million will be recouped in savings. About 20 million of it was equipment but the rest would be saving somewhere else. Is that from laying off meter readers? Is that wages for meter readers losing their jobs? I don't know where the savings would come from.

But anyway, as Connie Robinson observed, most of these are in older neighborhoods. I know a man whose brother lives on Chandler and he just got one of these letters and they estimated his would cost \$4,000 and his house is only about 30 feet from the street. I can't imagine what that much money would go for. My meter was replaced about five years ago. I went outside and saw the water company out there. I didn't know it was going to happen or anything and I just asked him what he was doing. He was replacing my meter. I don't know why or anything but it's a...it just seems like people are angry and disenfranchised and disgusted because we just don't believe what we hear and I know with the property tax appeals they're two years behind so as each of these cases gets appealed individually, each homeowner arguing about theirs. It just seems like where are the savings when you're going through all this hassle. I know you all approved this previously but I just hope that we can slow down on some of this and...

Councilwoman Robinson: Mr. President, you said you heard from Mr. Mounts and 4:30 this morn...this afternoon?

President Friend: Yes, at around 4:30.

Councilwoman Robinson: Did he give you any explanation of a problem...

President Friend: He said he had a...

Councilwoman Robinson:...or did he just say he couldn't come tonight?

President Friend: He just said that he had prior commitment and couldn't come but I did send him...I sent this last week to him and asked him to come though. It just wasn't today. I sent it a...it was *(Inaudible)*.

Councilwoman Robinson: But he had a news release. Did he give you a copy of the news release? It's the first I heard from her.

President Friend: No, I didn't get any...I didn't get anything from him; nothing, nada. I got a "Received". It was at 4:37. Oh no, I take that back. It was 2...it was at 10 minutes til 3. I'm wrong. Ten three.

Councilwoman Robinson: Maybe you should get a job with the news media; you'll find out more.

President Friend: I guess so.

Chief of Staff Schaefer: *(Off Mic) (Inaudible) (Mic On)* Mr. Mounts, he was out of town last week whenever this came up and we addressed the media. We wanted to try to get the word out as soon as possible because of the alarmist, you know, feeling that was out there and understandably so. So the one thing to...you know the Utility Board is meeting tomorrow. They're the legislative body for the Water Utility and also a reminder is the IURC the government body for the Water Department so we'll...we told him today that they need to schedule another update to City Council like we committed at the beginning of the project so just like we did on August 11th, or they did on August 11th and October 27th, they will be doing that again soon. So...and it might be...it might be beneficial to wait until after the deeper dive into the thousand properties is done so that we can kind of really get our arms around the severity of the problems.

So I think we're all saying the same thing. I think everybody in this room is frustrated and we just...the way forward is to...is to try to work together and make we're sure we're doing it in a cooperative and collaborative way. Thank you.

President Friend: Anybody else in the audience? Okay, with that...

Unidentified Speaker: *(Off Mic)* I have something a little different. Something that's good news.

President Friend: If it's good news come up.

Unidentified Speaker: *(Off Mic)* Hurry, hurry.

President Friend: Why, you just got better auto insurance, right?

Susan Harp: Right, yeah. No. Now I'm Susan Harp, a Board Director of City of Evansville Endowment Fund and on last Wednesday I'm proud to say that the City of Evansville Endowment Fund gave away \$285,000 to 20 different not-for-profits within our community for capital improvements. That means that since 2001 that we've given away a little over 2.25 million dollars to 226 or 236 agencies for capital improvements and this all came about from the Riverboat investment of five million. So we've given away this much and we have 8.5 million in the checking account. A little, you know a little figure there. But we've been 8.5million in, we've given away two point...about 2.25 million so we really have been good stewards of this money and the best thing about it is that not-for-profits in our community are making great improvements and much needed improvements so I wanted to share that good news with you.

President Friend: Okay, thank you. Okay with that, Committee Reports.

Committee Meeting Schedule for November 17, 2014

A.S.D. COMMITTEE:

No meetings scheduled at this time.

CHAIRMAN H. DAN ADAMS

FINANCE COMMITTEE:

Re: **Resolution C-2014-35**

Time: 5:20 p.m.

Notify: Chris Kinnett, GAGE

CHAIRMAN CONOR O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Installation of New Equipment (Fisher & Company)

PUBLIC WORKS COMMITTEE

Re: **Ordinance G-2014-29**

Time: 5:25 p.m.

Notify: Ted Ziemer

CHAIRMAN AL LINDSEY

An Ordinance Amending Chapter 8.40 (Registration of Residential Rental Buildings) of the Evansville Municipal Code

ADJOURNMENT

President Friend: With that, I need a motion for adjournment. I had one by Councilman O'Daniel, seconded by Councilwoman Mosby. Ayes? *Bang of Gavel* Closed.

Meeting adjourned at 6:55 p.m.

Laura Windhorst

Laura Windhorst, City Clerk

John Friend

John Friend, President